



October 12, 2018

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et al.*,
GN Docket No. 14-177, IB Docket No. 15-256, WT Docket No. 10-112, and
IB Docket No. 97-95
Hughes Network Systems, LLC, IBFS File Nos. SAT-LOA-20170621-00092 and
SAT-AMD-20170908-00128 (Call Sign S3017)

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, “EchoStar”) submit this ex parte in the above-referenced proceeding. EchoStar, as well as other parties in the proceeding, support the adoption of the Federal Communications Commission’s (“Commission”) proposed licensing regime for Fixed Satellite Service (“FSS”) earth stations operating in the 50.4-51.4 GHz (“50 GHz”) band.¹ EchoStar also urges the Commission to proceed with processing space station applications that include 50 GHz band use that is consistent with the Third Notice’s proposed regime, conditioned on the outcome of the proceeding. As discussed herein, licensing the 50 GHz band for FSS in the near term will provide certainty for satellite operators to progress their business plans and provide additional broadband capacity to users throughout the United States, helping to solve the digital divide.

As with the 24, 28, and 47 GHz bands, EchoStar agrees that a limited number of individually licensed FSS earth stations can share the 50 GHz band with minimal impact on terrestrial operations.² This approach would facilitate the most efficient use of spectrum, as it promotes sharing between FSS and the Upper Microwave Fixed Use Service.³ A number of

¹ See *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services, et al.*, Third Report and Order, Memorandum Opinion and Order, and Third Notice of Proposed Rulemaking, FCC 18-73, at ¶ 94 (rel. June 8, 2018) (“*Third Notice*”). In particular, the Commission proposed to adopt criteria identical to those applicable in the 24.75-28.35 GHz band under Section 25.136(a)(4)(ii) of the Commission’s rules, as well as the per-county and per-Partial Economic Area limitations on the number of such earth stations applicable in the 47.2-48.2 GHz band under Section 25.136(d)(4)(i). *Id.*

² See generally comments of EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC, IB Docket No. 14-177 et al., Sep. 10, 2018; see also comments of ViaSat, Inc., IB Docket No. 14-177 et al., Sep. 10, 2018; see also comments of the Boeing Company, IB Docket No. 14-177 et al., Sep. 10, 2018.

³ *Ibid.*



terrestrial mobile operators and equipment manufacturers also support this approach, including AT&T,⁴ T-Mobile,⁵ and TIA.⁶

EchoStar, as well as several other satellite operators,⁷ has a space station application that includes the 50 GHz band pending before the Commission. The Commission has deferred action on this portion of the applications before it “until sharing between terrestrial and satellite operations in the band, as well as other uses of the band, are addressed in the context of the *Spectrum Frontiers Proceeding*.”⁸ By conditionally granting the space station and market access applications that are consistent with the Commission’s proposed 50 GHz rules, the Commission can provide satellite operators, such as EchoStar, with the certainty needed to proceed with the development and construction of new systems, including the completion of EchoStar XXIV.⁹ This approach is consistent with Commission practice in other bands and no parties to this proceeding have provided any justification why the Commission should otherwise continue its divergent practice.

Accordingly, EchoStar urges the Commission to proceed with processing FSS space station licenses that are consistent with the Commission’s proposed rules in the Third Notice for the 50 GHz band and condition these licenses on compliance with the final rules that are adopted in order to ensure the timely delivery of much needed broadband capacity over the United States. As such, the Commission should immediately authorize use of the remaining one gigahertz of spectrum in the 50 GHz band that it had previously deferred in EchoStar’s EchoStar XXIV license grant, subject to appropriate conditions.¹⁰

Respectfully submitted,

/s/ Jennifer A. Manner

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⁴ Comments of AT&T Services, Inc. at 16.

⁵ Comments of T-Mobile USA, Inc. at 20.

⁶ Comments of Telecommunications Industry Association at 7.

⁷ See O3b Limited, FCC 18-70, ¶ 32 (rel. June 6, 2018) (“we defer action until sharing between terrestrial and satellite operations in the band, as well as other uses of the band, are addressed in the context of the Spectrum Frontiers Proceeding”); Audacy Corp., FCC 18-72, ¶ 19 (rel. June 6, 2018) (same).

⁸ Request for Modification of U.S. Market Access for O3b Limited’s Non-Geostationary Satellite Orbit System in the Fixed-Satellite Service and in the Mobile-Satellite Service, Order and Declaratory Ruling, FCC 18-70, ¶ 32 (Jun. 4, 2018).

⁹ See Hughes Network Systems, LLC, Stamp Grant, IBFS File Nos. SAT-LOA-20170621-00092 & SAT-AMD-20170908-00128 (Mar. 20, 2018).

¹⁰ Ibid.



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